



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HEDGEYE RISK MANAGEMENT, LLC,

Plaintiff,

- against -

DARIUS DALE, et al.

Defendants.  
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21-CV-3687 (ALC) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This order resolves the dispute raised in the parties' letters at Dkt. 264 and 266 concerning the additional deposition of Mr. Dale. Given (a) the extent to which Hedgeye expansively questioned Dale - for a full seven hours - at his deposition previously taken in connection with Hedgeye's application for a preliminary injunction; (b) Judge Carter's November 10, 2021 order granting Hedgeye up to two additional hours of questioning of Mr. Dale confined to the limited topic of the copied tickers and formulas; and (c) the additional document production by Dale in November and December 2021; it is hereby ordered that:

Hedgeye may depose Dale for a total of four hours to address the limited topic designated by Judge Carter as well as the documents (and subject matter addressed therein) produced by Dale. Hedgeye may not repeat questioning previously asked at Dale's earlier deposition.

SO ORDERED.

A handwritten signature in black ink, appearing to read "R. Lehrburger", written over a horizontal line.

ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: July 1, 2022  
New York, New York

Copies transmitted this date to all counsel of record.